

## Message Text

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ACTION EB-08

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00  
DODE-00 DOTE-00 INR-07 NSAE-00 FAA-00 L-03 /033 W  
-----241150Z 074507 /11

R 241058Z MAR 77

FM AMEMBASSY WARSAW

TO SECSTATE WASHDC 7231

INFO AMEMBASSY MOSCOW

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EO 11652N/A

TAGS: EAIR, PL

SUBJ: CIVAIR - WORLD AIRWAYS CHARTER FLIGHT APPLICATIONS

REF: A. STATE 60684, B. WARSAW 1830

1. SUMMARY: WE HAVE DISCUSSED THE WORLD AIRWAYS APPLICATIONS WITH DIRECTOR ROMAN AND DEPUTY DIRECTOR ZYLICZ OF THE CENTRAL CIVIL AVIATION ADMINISTRATION. THE CCAA HAS NOT REVERSED ITS DECISION, AND DIRECTOR ROMAN SAID HE WAS CONFIDENT THE DENIAL COULD BE SHOWN TO BE NON-DISCRIMINATORY. THE CCAA IS AGAIN CONSIDERING, HOWEVER, WHETHER SOME COMPROMISE (BY REDUCING THE NUMBER OF PASSENGERS OR BY MAKING SPECIAL ARRANGEMENTS FOR CUSTOMS CLEARANCE) MIGHT BE POSSIBLE. THEY EMPHASIZED THAT THIS WOULD CONSTITUTE EXCEPTIONAL TREATMENT FOR WORLD AIRWAYS AND MIGHT NOT BE POSSIBLE SINCE IT WOULD PROBABLY GENERATE SIMILAR DEMANDS FROM OTHER CARRIERS. A CAB REVIEW OF LOT CHARTERS WOULD AUTOMATICALLY START A POLISH REVIEW OF ALL US CHARTER APPLICATIONS. WE HAVE ASKED WORLD AIRWAYS TO CONTACT THE CCAA DIRECTLY AND TO EMPHASIZE THE POTENTIAL MUTUAL BENEFITS WHICH MIGHT COME FROM THEIR OPERATIONS IN POLAND. END SUMMARY.

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2. AN EMBASSY OFFICER CALLED ON ROMAN AND ZYLICZ MARCH 23, TO DISCUSS THE DENIAL OF CHARTER-FLIGHT APPLICATIONS BY WORLD AIRWAYS. THE EMBASSY OFFICER TOLD ROMAN OF THE SERIOUS CONCERN (REF A) OF THE DEPARTMENT THAT THE DENIAL MIGHT BE DISCRIMINATORY AND THAT ANY CONGESTION AND HANDLING

PROBLEMS BE APPLIED EQUALLY TO LOT AND OTHER COMPANIES FLYING CHARTERS TO AND FROM OKECIE. HE ADVISED DIRECTOR ROMAN THAT THE CASE COULD RESULT IN CAB'S REVIEWING LOT CHARTER APPLICATIONS.

3. DIRECTOR ROMAN SAID HE WAS VERY MUCH AWARE OF THE POLISH UNDERTAKING OF LAST JUNE TO TREAT NON-SCHEDULED AND SCHEDULED AIRLINES EQUALLY WITH REGARD TO CHARTER FLIGHTS. HE SAID THE DENIAL PERTAINED ONLY TO THE REQUEST OF WORLD AIRWAYS (WA) TO USE LARGE-CAPACITY AIRCRAFT AND THAT THE COMPANY COULD EXPECT SYMPATHETIC CONSIDERATION OF APPLICATIONS TO FLY SMALLER PLANES. HE SAID THIS RULE HAD BEEN APPLIED TO OTHER CARRIERS, NOTABLY AIR FRANCE, WHICH HAD ASKED TO FLY LARGE-CAPACITY AIRCRAFT. ROMAN SAID HIS EFFORTS TO IMPROVE THE FACILITIES AT OKECIE INVOLVED A CONSTANT BATTLE WITHIN THE POLISH GOVERNMENT. HE SAID THE TECHNICAL PROBLEMS HAVE TO BE LIEVED WITH, BUT HE COULD ASSURE THE CAB THAT THE INADEQUACY OF THESE FACILITIES WOULD NOT BE USED AS AN EXCUSE FOR DISCRIMINATORY TREATMENT OF CARRIERS.

4. DIRECTOR ROMAN SAID IT WOULD BE UNFORTUNATE IF THIS CASE LED TO A DETERIORATION IN OUR CIVIL-AVIATION RELATIONS. HE REPEATED WHAT HE HAD SAID DURING A MEETING WITH EB/TT/OA DIRECTOR STYLES AT THE AIRPORT MARCH 22, THAT THE POLES WERE HAVING PROBLEMS WITH THE SOVIETS ON THE AVIATION FRONT. THE SOVIET REFUSAL OF PERMISSION FOR LOT TO FLY CHARTERS DIRECTLY TO THE CRIMEA WAS A PARTICULARLY TROUBLESOME POINT. HE SAID HE HAD BEEN USING THE CONTRAST OF THE "EXCELLENT" CIVIL-LIMITED OFFICIAL USE

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AVIATION RELATIONS WITH THE US TO GOOD ADVANTAGE IN ENCOURAGING A TILT TOWARD US AIRCRAFT AND EQUIPMENT. HE DID NOT WANT TO SEE THAT APPROACH THREATENED AT THIS TIME.

5. EMBOFF AGREED WITH ROMAN'S ASSESSMENT OF THE GOOD STATE OF OUR AVIATION RELATIONS AND SAID WE SHOULD WORK TO AVOID A POTENTIAL PROBLEM IN THE WA CASE. HE TOLD ROMAN THAT A DENIAL WOULD PROBABLY LEAD TO A CAB REVIEW OF LOT CHARTERS, HOWEVER, AND THAT AT A MINIMUM, THERE WOULD BE UNCERTAINTY CONCERNING LOT'S CHARTERS

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DODE-00 DOTE-00 INR-07 NSAE-00 FAA-00 L-03 /033 W  
-----241350Z 075660 /41

R 241058Z MAR 77  
FM AMEMBASSY WARSAW  
TO SECSTATE WASHDC 7232  
INFO AMEMBASSY MOSCOW

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UNTIL THE REVIEW WAS COMPLETED. THE CAB  
WOULD REQUIRE COMPLETE INFORMATION CONCERNING OTHER  
CHARTER FLIGHTS AT IKECIE IN ORDER TO BE SATISFIED  
THAT THE ACTION WAS NOT DISCRIMINATORY. FOR EXAMPLE,  
IF TWO OR THREE CHARTERS WERE WCHEDULED FOR ARRIVAL  
AT THE SAME TIME, THIS WOULD PUT AS MUCH OR MORE  
STRAIN ON THE FACILITIES AS WOULD THE WA STRETCH DC-8.  
ZYLICZ REPLIED THAT THE CCAA WAS REQUIRING ADJUSTMENTS  
IN SOME CHARTERS TO AVOID JUST SUCH A PROBLEM. HE  
SAID, HOWEVER, THAT PAN AM AND OTHER CARRIERS HAD  
NOT YET SUBMITTED FINAL CHARTER REQUESTS AND THAT THE  
INFORMATION FURNISHED WOULD NOT BE FINAL. HE AGREED  
TO SUPPLY THE REQUESTED DATA ON OTHER CHARTERS  
BY THE END OF THIS WEEK.

6. AFTER ROMAN DEPARTED FOR ANOTHER MEETING, ZYLICZ  
AGREED TO REVIEW THE APPLICATION TO SEE WHETHER SOME  
COMPROMISE MIGHT BE WORKED OUT. EMBOFF  
SUGGESTED THAT WASMIGHT BE WILLING TO AGREE TO FLY  
BELOW CAPACITY OR TO SEND ITS PASSENGERS THROUGH  
CUSTOMS IN TWO DIFFERENT STAGES IN ORDER TO AVOID  
TERMINAL CONGESTION. ALTERNATIVELY, WA MIGHT BE  
WILLING TO PAY ADDITIONAL COSTS OF PERSONNEL REQUIRED  
TO SERVICE THE AIRCRAFT IF ALL PASSENGERS DISEMBARKED  
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AT THE SAME TIME. ZYLICZ SAID SUCH AN APPROACH WOULD  
CONSTITUTE AN EXCEPTION FOR WORLD AIRWAYS AND WOULD  
PROBABLY LEAD TO SIMILAR REQUESTS FROM OTHER  
CARRIERS. HE AGREED TO CONSIDER THIS APPROACH,  
HOWEVER, AND TO INFORM THE EMBASSY BY THE END OF THIS  
WEEK. ZYLICZ ALSO SAID THAT A CAB REVIEW WOULD  
AUTOMATICALLY REQUIRE THE POLISH GOVERNMENT TO REVIEW  
PAN AM AND ANY OTHER US CHATER APPLICATIONS IN

THE LIGHT OF REQUIREMENTS OF RECIPROCITY.

7. COMMENT: WE HAVE ADVISED THE LONDON OFFICE OF WORLD AIRWAYS OF THE POSSIBILITY OF A COMPROMISE SOLUTION AS MENTIONED ABOVE. THEY SEEMED MORE OPTIMISTIC ABOUT THEIR CHANCES. WE TOLD THEM, HOWEVER, THAT ALLEGATIONS OF DISCRIMINATION IN THEMSELVES WOULD PROBABLY NOT AT THIS TIME FORCE A REVERSAL OF THE NEGATIVE CCAA DECISION. WE ENCOURAGED WORLD AIRWAYS TO TALK DIRECTLY WITH THE CCAA TO EXPLAIN HOW A FAVORABLE DECISION MIGHT BE IN THE COMMERCIAL INTERESTS OF BOTH PARTIES. THE ABILITY OF WORLD AIRWAYS TO PROMOTE TOURISM TO POLAND COULD BE A STRONG CARD TO PLAY. WE BELIEVE THAT SUCH AN APPROACH IS NECDSSARY IF THE POLES ARE TO BE CONVINCED THAT AN EXCEPTION IS JUSTIFIED. TO THE BEST OF OUR KNOWLEDGE, WA HAS NOT COMMUNICATED WITH THE CCAA DIRECTLY SINCE ITS WRITTEN APPLICATION LAST DECEMBER. WE HOPE THAT MR. HUGHES OF THE LONDON OFFICE OR SOME OTHER WA OFFICIAL WILL REQUEST MEETINGS IN WARSAW TO ADVANCE THE COMPANY'S CASE.

A. WE DO NOT EXCLUDE THE POSSIBILITY THAT A DENIAL WOULD BE DISCRIMINATORY. ADMINISTRATIVE DECISIONS ON HOW MUCH CONGESTION IS TOLERABLE CAN CERTAINLY BE QUESTIONED. THE CCAA IS AWARE THAT QUESTIONS WILL BE RAISED IF THE DENIAL IS MADE FINAL. WE ASSUME, HOWEVER, THAT THE MERE LIMITED OFFICIAL USE

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OPERATION OF CHARTERS BY PAN AM OR LOT INTO OKECIE IS NOT GROUNDS FOR FINDING DISCRIMINATION AGAINST WA. THE BURDEN OF PROVING THAT THESE FLIGHTS DO NOT LEAD TO THE SAME CONGESTION SHOULD OF COURSE REST WITH THE POLES.

9. THE DEPARTMENT MAY WANT TO ADVISE PAN AM THAT, IF IT PUSHES TOO HARD TO WIN THE CHARTER CONTRACTS HELD BY WORLD AIRWAYS, IT MAY BE CONTRIBUTING TO A PROCESS WHICH WOULD PUT ITS SHOLE CHARTER PROGRAM IN LIMBO WHILE REVIEWS PROCEED. END COMMENT.

DAVIES

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## Message Attributes

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**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009